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San Luis Obispo County Pesticide Regulatory Program 2006/2007 Performance Evaluation Report

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Performance Evaluation of the San Luis Obispo County Agricultural Commissioner Pesticide Use Enforcement Program

This report provides a performance evaluation of San Luis Obispo County Agricultural Commissioner's pesticide use enforcement (PUE) program for the fiscal year 2006-2007. The assessment evaluates the performance of goals identified in the CAC's enforcement work plan as well as the program's adherence to Department of Pesticide Regulation standards as described in the Pesticide Use Enforcement Standards Compendium.

I. Summary Report of Core Program Elements

Throughout the fiscal year, the core areas of the San Luis Obispo County pesticide enforcement program were evaluated: restricted materials permitting, compliance monitoring, and enforcement response. The report findings are based on field observations, oversight inspections, review of county records, and an evaluation of pesticide use and illness investigations for the fiscal year 2006/2007.

A) Restricted Materials Permitting:

The restricted materials permitting program element was found to meet DPR standards and work plan goals.

B) Compliance Monitoring:

The compliance monitoring program element was found to meet DPR standards and work plan goals.

C) Enforcement Response:

The enforcement response program element was found to meet DPR standards and work plan goals.

Summary Statement:

No deficiencies have been identified in the San Luis Obispo County Agricultural Commissioner's pesticide use program and the program is currently effective.

II. Assessment of Core Program Effectiveness and Work Plan Goals

A) Restricted Materials Permitting:

1) Permit Issuance

The San Luis Obispo CAC permit issuance procedures and performance conformed to DPR standards and expectations. All San Luis Obispo County Agricultural Commissioner's staff that issue restricted materials permits are experienced biologist and are knowledgeable of pesticide laws and regulations and are licensed and certificated

San Luis Obispo County CAC uses the Restricted Materials Management System (RMMS) to issue permits. When the permit is amended, the change is made on a supplemental page and is attached to the original permit, as well as entered into the RMMS Program.

Approximately 710 restricted materials permits and 383 Operator IDs were issued in 2006/2007.

The DPR evaluation determined that permits are:

- Issued only to qualified applicants;
- Signed by authorized persons;
- Permit amendments follow approved procedures.

2) Site Evaluation

Notice of intents are received by fax machine, telephone (main office), answering machine, and a drop box located at the main office and district offices.

Notice of intents that are restricted materials to be applied near sensitive sites are evaluated and denied if the site is too close to residential areas. The application may be denied, conditioned, or be made using non-restricted pesticides. When notice of intents are denied, the property operator and pest control business are notified and a denial form is completed and filed in the restricted materials permit file.

The permits:

- Contained the necessary information;
- Identified treatment areas and sensitive areas that could be adversely impacted by the permitted uses; and
- Identified mitigation measures and included conditions that addressed known hazards.

The CAC staff adequately evaluated permits and determined if the use of feasible alternatives was required. The program reviews all Notice of intents in a timely manner and adequately monitors agricultural and non-agricultural permits utilizing pre-application site evaluations and use monitoring inspections.

B) Compliance Monitoring:

1) Inspections

All of San Luis Obispo County's pesticide use enforcement staff possesses certificates/licenses in pesticide regulation and investigation and environmental monitoring.

Staff from the San Luis Obispo County Agricultural Commissioner's office attended training sessions in 2006/2007 that included, restricted materials permit issuance, structural regulatory training and respiratory regulation training.

Biologists conducting pesticide use inspections issue a violation notice for any criteria item marked “No” on the inspection forms. When worker safety noncompliance’s are found during an inspection, the biologists conduct a headquarters/employee safety inspection and any follow-up inspections required. The Biologists also review the compliance history for the firm/person inspected and meets with the deputy before issuing a violation notice. The deputy and her staff prepare the case files and notice of proposed actions.

Inspections performed by the CAC were found to:

- Adequately address label, law and regulatory requirements;
- Include interviews of employers and employees;
- Adequately document violations; and
- Include appropriate follow-up inspections and procedures.

2) Investigations

All of the staff of the San Luis Obispo County Agricultural Commissioner’s office conducts pesticide enforcement investigations. All incidents or complaints associated to pesticides are investigated and written reports are made on each case. Training on investigative sampling is provided to the staff on an annual basis.

C) Enforcement Response:

All non-compliances are logged into a countywide enforcement tracking log database with documented follow-up. The deputy reviews the database for history of each respondent and utilizes the enforcement guidelines to determine if enforcement action is warranted. The biologists are required to conduct follow-up inspections, which include a headquarter employer/employee inspection when worker safety non-compliances are found. Enforcement actions are taken when violations are found on incidents involving drift, pesticide related illnesses. When enforcement actions are not taken, a “Decision Report” is written listing the violations found, classification, and a compliance history for the respondent and an explanation.

San Luis Obispo County issued 38 agricultural civil penalties in fiscal year 2006-2007.

The CAC’s enforcement program was found to:

- Initiate the appropriate action when violations are identified;
- Sufficiently support compliance, enforcement and public protection actions.

The CAC levied fines in the appropriate category, adheres to statutory time frames and follows DPR policies when imposing civil penalties.

III. Recommended Corrective Actions

No corrective actions are currently needed.

IV. Non-Core and Desirable Activities

The San Luis Obispo CAC's provides continuing education classes to local industry groups on laws and regulations and regulatory updates to such groups as CAPCA, PAPCA, Ag Taskforce and the Wine Grape Grower Association. San Luis Obispo CAC also participated in a weekly phone conference with DPR and other CAC's in regard to the upcoming fumigation regulations for comments and feedback on the proposed upcoming regulations.